IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29713 of 2007(K)

PETITIONERS:

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1. SANTHAKUMARI AMMA.L.,
W/O.R.RADHAKRISHNAN NAIR, KALARICKAL HOUSE,
MARUTHORVATTOM (P.O.), CHERTHALA.

2. USHADEVI.L., W/O.K.SREENIVASAN,
KALARICKAL HOUSE,MARUTHORVATTOM (P.O.),
CHERTHALA.

3. RAMADEVI.L., W/O.P.S.NATARAJAN,
KALARICKAL HOUSE, MARUTHORVATTOM P.O., CHERTHALA,
REPRESENTED BY POWER OF ATTORNEY HOLDER
R.RADHAKRISHNAN NAIR, RESIDING AT KALARICKAL HOUSE
MARUTHORVATTOM P.O., CHERTHALA.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

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1. CHERTHALA MUNICIPALITY REPRESENTED
BY ITS SECRETARY, MUNICIPAL OFFICE, CHERTHALA.

2. SECRETARY, CHERTHALA MUNICIPALITY,
MUNICIPAL OFFICE, CHERTHALA.

3. ENVIRONMENTAL ENGINEER, KERALA
STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE,
ALAPPUZHA.

4. DIRECTOR, GROUND WATER DEPARTMENT,
WATER RESOURCES BHAVAN, AMBALAMUKKU,
KAWADIAR, THIRUVANANTHAPURAM.

5. STATE OF KERALA- REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

R1 & R2 BY ADV. SHRI J.OMPRAKASH
R5 BY G.P. SHRI BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

W.P.(C) No.29713 of 2007 K

Dated, this the 16th day of October, 2007

JUDGMENT

Heard. The challenge in this Writ Petition is directed mainly against Ext.P8 order by which administrative sanction was granted by the Government to intiate land acquisition proceedings. It is contended that administrative sanction was granted by the Government not for acquisition of property but to acquire the property of the petitioners ignoring a series of requests made by them. It is also argued that almost all the Governmental agencies after examining the property found that it is unsuitable for starting a treatment plant. Considering all aspects of the matter I am of the view that this Writ Petition is premature. The two grounds now raised in the Writ Petition can be raised in case the Government initiates land acquisition proceedings and the Land Acquisition Officer issues a notification under Section 4(1) of the Land Acquisition Act.

In the result, the Writ Petition is closed as premature. It is made clear that this judgment will not be a bar for the petitioners to raise all the grounds now raised in this Writ Petition in case a notification under Section 4(1) is issued and the petitioners challenge that 4(1) notification.

K. PADMANABHAN NAIR,
JUDGE.

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